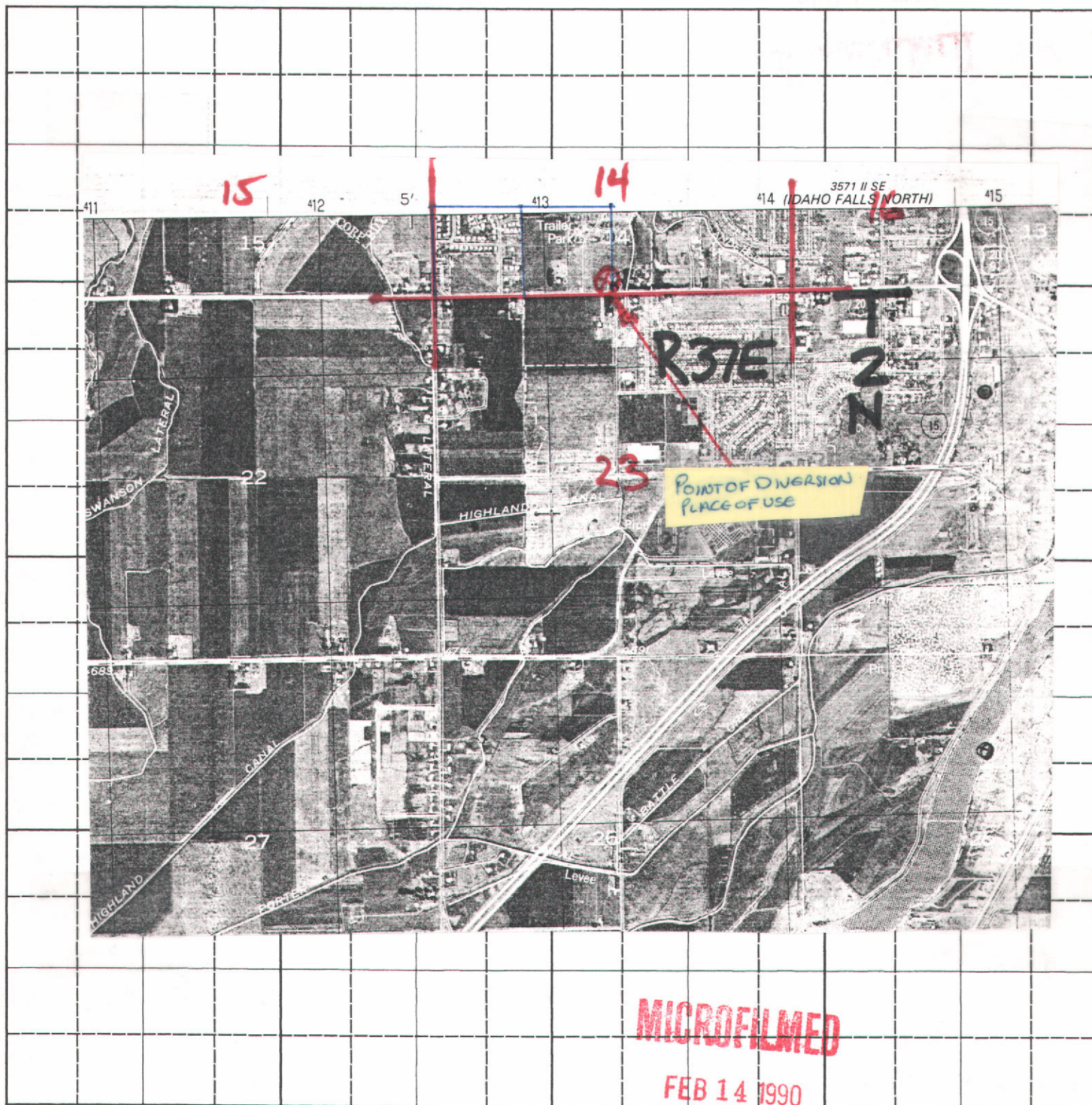


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James Mason owner
(Applicant)

UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

3571 II SE
(IDAHO FALLS NORTH)

T 2N
R 3E

5'

413

Trailer
Park

14

14

ANDERSON
LATERAL

4739

20

4728

PO/PU

4705

23

HIGHLAND
CANAL

CORP
BDY

Athletic
Field

Pipe

Levee

4700

35-08828

PORTER

Pit

Pit

RECEIVED
FEB 25 1997

4690

CREEK

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08828

Priority: July 28, 1989

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
0.6 AF

This is to certify, that MASONS
2070 W BROADWAY
IDAHO FALLS ID 83402

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 18, 1989; and has submitted Proof of Beneficial Use on January 14, 1992. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 14, Township 02N, Range 37E
BONNEVILLE County

PLACE OF USE: COMMERCIAL
TWN RGE SEC
02N 37E 14 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Commercial use is for a home improvement store.

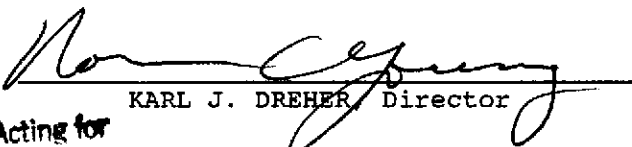
RECORDED
FEB 16 1997

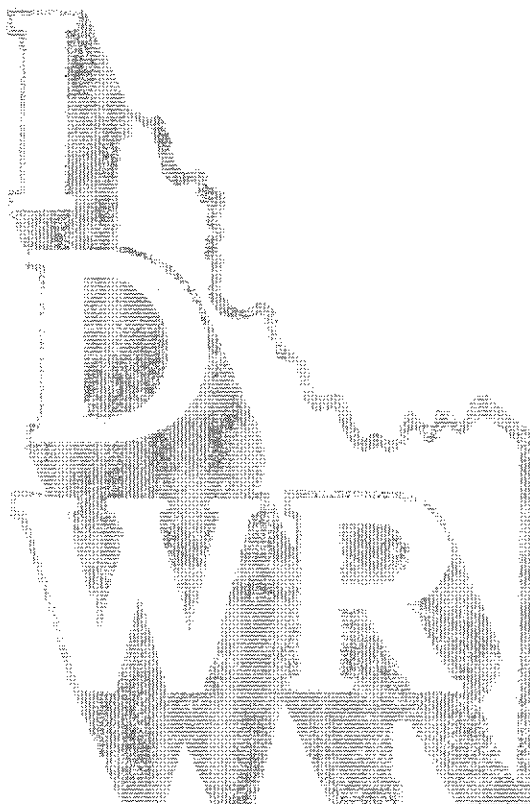
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08828

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21st
day of FEBRUARY, 1997.


KARL J. DREHER, Director
Acting for



MICROFILMED

FEB 25 1997

RECEIVED

DEC 11 1991

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08828 Telephone No. 523-49892. Name(s) of Permit Holder(s): Mason's3. Post Office Address: 2070 W. Broadway Idaho Falls Id 834024. Source of Water: Ground Watera. If ground water, well driller's name: Andrew Well Drilling Date drilled: 12-1-1985

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Commercial6. Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐

OR

Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Name James Mason Ellen D Mason Telephone No. 523-4989Address 2070 W. Broadway Idaho Falls Id 83402

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 12-10-91Signature (and title if on behalf of a company or organization) James Mason owner JAN 16 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$15 FEE Received by 102Date 2/11/91Receipt # 6018623**RECEIVED**

FEB 11 1991

REQUEST FOR EXTENSION OF TIMEDepartment of Water Resources **TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08828Name(s) of Permit Holder: James & Ellen MasonPost Office Address: 2070 West Broadway, Idaho Falls, Idaho 83402Telephone No. 593-4989Date Proof is Due: 2-1-91

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

well is drilledCosting \$ 2,460.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Winter WeatherPermit holder(s) request an extension to 2-1, 19 92.
(1 yr. minimum)Ellen K. Mason
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 18 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1992.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to July 28, 1989, pursuant to Sec. 42-218a, Idaho Code.

Signed this 1st day of March, 19 91.J. Blum Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08828

Proposed Priority: July 18, 1989

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **MASONS**
2070 W. BROADWAY
IDAHO FALLS, ID 83402

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

COMMERCIAL

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESESW

Sec. 14, Township 02N, Range 37E
BONNEVILLE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02N 37E 14

SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Commercial use is for a home improvement store.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

8th day of January, 1990

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant MASON'S Phone 523-4989
Post office address 2070 WEST BROADWAY, IDAHO FALLS, ID. 83402
CORRECTED PER TELECOM 10/18/89 ED
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 2N Range 37E B.M. BOONEVILLE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for COMMERCIAL purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL WITH PUMP AND PIPELINE TO COMMERCIAL BUSINESS.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. ~~Proposed~~ ^{EXISTING} well diameter is 8" inches; ~~proposed~~ ^{EXISTING} depth of well is 180 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

RECORDED

FEB 14 1990

Filed to Record Use of WATER.

12. Remarks: Well has been in place since 1966. Application is

b. Who owns the land to be irrigated or place of use? FLORISSANT

11. a. Who owns the property at the point of diversion? THURGOOD

None

[illegible]

9. Description of place of use:

~~IMPROVEMENT BUSINESS. WATER USED IN REST ROOMS.~~

e. Other, describe fully. Computer use in Johnson's store. Home

d. Domestic; show number of households.

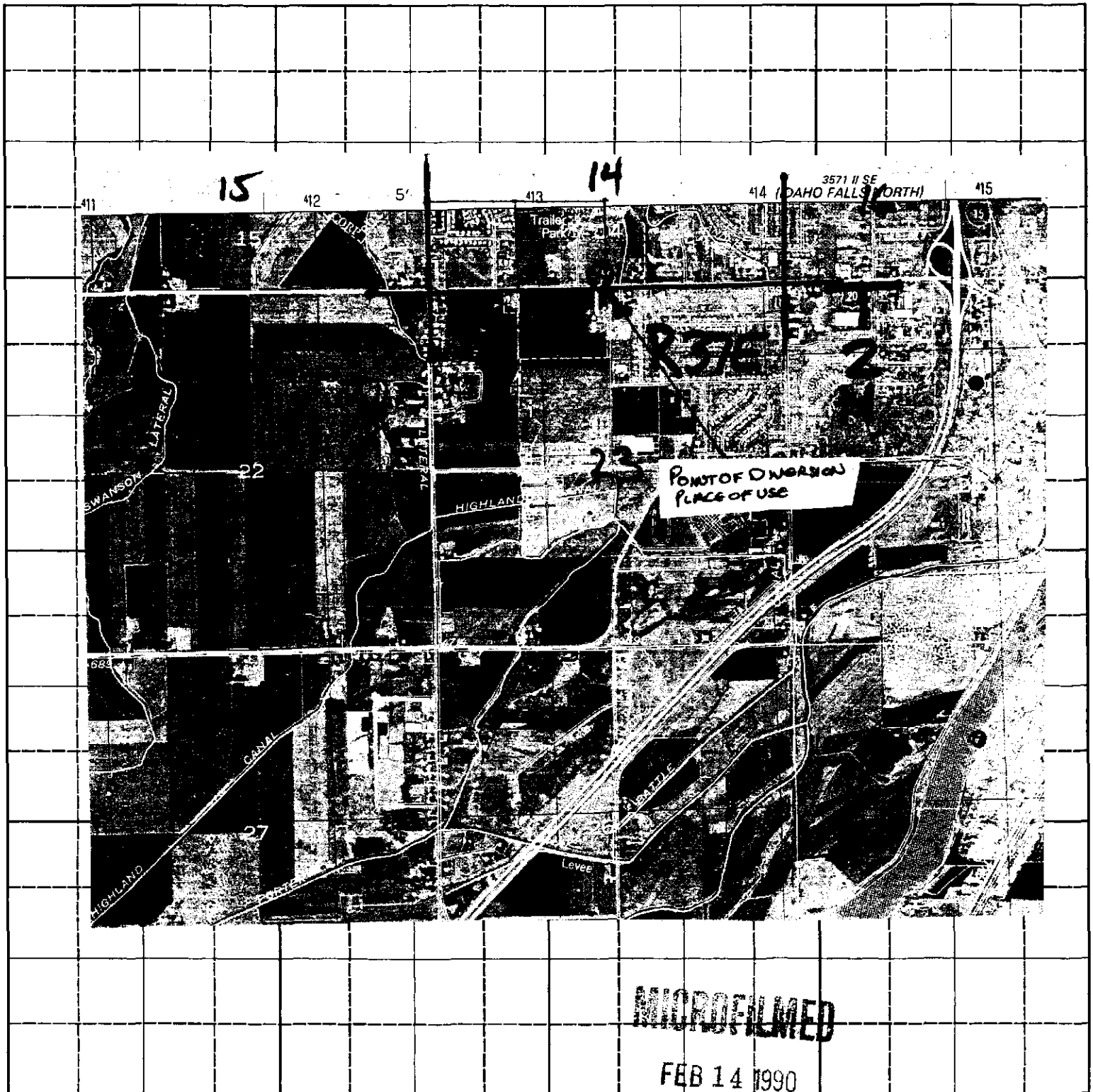
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower, show total feet of head and proposed capacity in kW.

8. Description of proposed uses (if irrigation only, go to item 9):

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James Mason owner
(Applicant)

RECORDED

FEB 14 1990

e. Other:

permit.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

RB

Date 12-6-89

Publication prepared by _____

RB

Date 11-16-89

Published in

Post-Register

Fee \$ 40.00

Received by _____

381

6009514

Date

7-18-89

Received by _____

381

Date

7-18-89

Time

1:00

Preliminary check by

AMS

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have been
filed to appropriate the public waters of the
State of Idaho:

25-07409

HAWKINS, STAN
BOX 367
UCON, ID 834540000
Source: GROUNDWATER
Diversion Pt: SWNWNE Sec 25 T 01N R
39E
Use: IRRIGATION (5.220 CFS)
Date Filed: 5/05/1986
In: T01N R39E S24 SESW NESE NWSE
SWSE SESE
S25 NENE NWNE SWNE SENE NENW
R40E S30 Lot 1 (NWNW) Lot 2 (SWNW)
261.0 ACRES TOTAL

35-08828

MASON'S
2070 WEST BROADWAY
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: SESESW Sec 14 T 02N R
37E
Use: COMMERCIAL (.040 CFS)
Date Filed: 7/18/1989
In: T02N R37E S14 SESW

35-08829

HENMAN, RICHARD W.
HENMAN, SUSAN
5350 W. 33RD S.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: SESWSW Sec 29 T 02N R
37E
Use: IRRIGATION (.060 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/18/1989
In: T02N R37E S29 SWSW
2.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests
must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite
115, Idaho Falls, Idaho 83402 on or before
DECEMBER 4, 1989.

R. Keith Higginson, Director
Published: November 16, 23, 1989

MICROFILMED

FEB 14 1990

3/10/97

Mail returned that
I left a message asking
them to call back.

Patu

iii. The party seeking review of the order resides, or
 iv. The real property or personal property that was the
 subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this
 preliminary order becoming final. See section 67-5273, Idaho
 code. The filing of an appeal to district court does not itself
 stay the effectiveness or enforcement of the order under appeal.

Sincerely,

~~ARM JOHNSON, Manager~~ SHELLEY W. KEEN
~~Water Right Permits Section~~ Water Rights Supervisor

uj:ph
 svk

Enclosure

If you have any questions, please contact me at (208) 327-7946.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08828

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21st
day of FEBRUARY, 1997.


KARL J. DREHER, Director
Acting for





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 24TH 1997

MASONS
2070 W BROADWAY
IDAHO FALLS IDAHO 83402

RE: WATER RIGHT NO. 35-08828

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in black ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SWK:vrr

c: Eastern Region

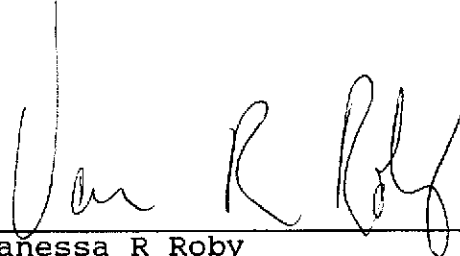
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **24th** day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

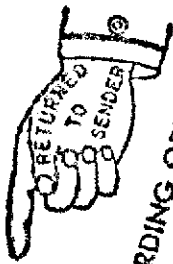
Water Right No. 35-08828

**MASONS
2070 W BROADWAY
IDAHO FALLS IDAHO 83402**



Vanessa R Roby
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83706-2227



FORWARDING ORDER EXPIRED

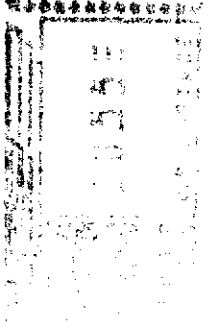
7-72222
045019
1177 4 1700000
11770 1115
10 110000

Full

Department of Water Resources

RECEIVED
MAR 03 1997

Left message
Vault on machine
523-4989
James/Ellen





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 24TH 1997

MASONS
2070 W BROADWAY
IDAHO FALLS IDAHO 83402

RE: WATER RIGHT NO. 35-08828

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PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

FILED
FEB 25 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

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- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

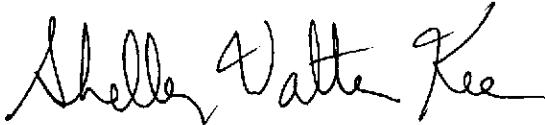
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- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SWK:vrr

c: Eastern Region

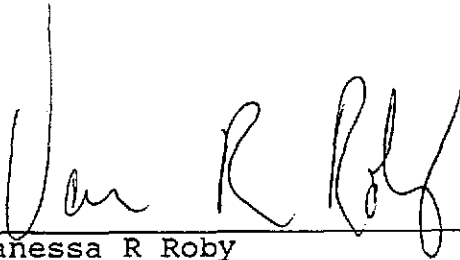
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 35-08828

**MASONS
2070 W BROADWAY
IDAHO FALLS IDAHO 83402**



Vanessa R Roby
Secretary

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08828

DATE 2/10/97

REVIEWER: SHARLA

NAME	Change	OK	Address Change
—	—	☒	<u>No</u>
SOURCE	—	☒	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	—	☒	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	—	☒	Amendment required <u>No</u>

Does map agree with written description? ☒ yes ☐ no

OVERLAPS ☐ P/D ☐ P/U

RATE OF DIV

Permitted Rate	<u>.04</u> cfs
Fee limit	<u>.20</u> cfs <u>\$500</u>
Measured	<u>—</u> cfs
Theoretical	<u>.07</u> cfs

NO GOVT LOTS

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ☒

Common	Volume Calculation
<u>—</u>	<u>.6 (as in house)</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
SUBTOTAL	<u>.6</u> af

Flow rate .04 cfs X 365 days X 1.98 ~~af~~ = 29.0 af
Total volume recommended .6 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

C/home improvement
store.

CONDITIONS ☐ Watermaster Control WD# —

☐ GW Measurement/Measuring Device

☐ Overlap

☐ Use-specific conditions 048, 049

Advancement of Priority Date Required ☐ yes ☒ no

SRBA Claim Filed N/A
Adjustment Memo —

1st Amend Letter N/A
2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 10 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08828
Phone No. 523-4989
1. Owner: Masons
Current Address: 2070 W Broadway Idaho Falls Id 83402
2. Accompanied by: James Marsh EXAM. DATE: 27 Aug 92
Address: _____ Phone No. _____
Relationship to Permit Holder: SON of Owner
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

N/A

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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FEB 25 1997

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well pump mainline to commercial bldg for use in bathroom

Andrew well Dilling

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Red Jacket	3	-	-	-

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

204 9 1 632

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Theoretical 30-60 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Theoretical $cfs = \frac{3hp (6.16)}{160 + 40(2.31)} = \frac{18.48}{252.4} = .07 cfs$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Commercial = 0.6 AF/A (chaut)

MOIST/LINES
FEB 25 1977

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
Commercial	1/1 12/31	0.04	0.6 AF/A

2. Recommended Amendments

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above
☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name: KEITH C. WILSON
Signature: [Signature]
Certification Date: 1/97
Field Report Preparation Date: DAVE CARLSON

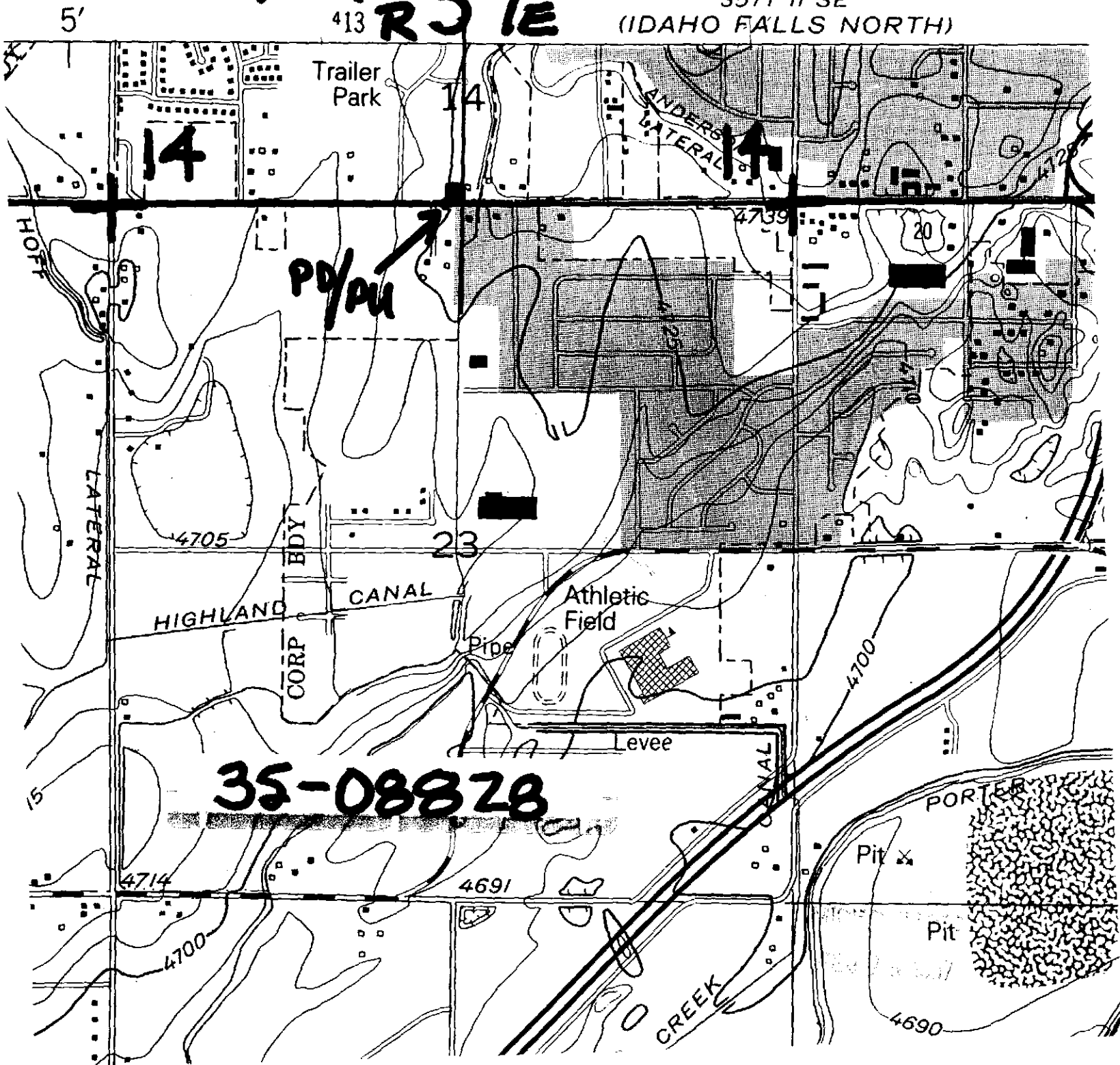
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

3571 II SE
(IDAHO FALLS NORTH)

T 2N R 3E



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

MAR 12 1986

[illegible]

January 15, 1992

MASONS
2070 W. BROADWAY
IDAHO FALLS ID 83402

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08828

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JAN 16 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-08828

Reviewed by Klg

Date 12/17/91

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

NA Drilling permit required?

1985 / Copy in the file? Drilling Permit No.

/ Amount paid for permit Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

NA Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due / -

No. of days late / =

Priority Date / +

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

~~new ruling - fee applies to every
thing except - gw - domes - 104 or less OK
need \$50~~

proof acceptable

DATA ENTRY

New Address

Proof Made 1/14/92

1/15/92 Klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 17, 1991

James and Ellen Mason
2070 West Broadway
Idaho Falls, ID 83402

Re: Permit No. 35-08828

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit.

The Department has determined that the permit holder must meet three requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater source.
2. The rate of diversion must be .04 cfs or less.
3. The extent of use must be for one domestic household purpose only.

As you can see, you do not meet requirement #3 since your extent of use is commercial. Therefore, a license examination fee of \$50 applies to your permit.

In order to comply with the mandatory dates, please return the proof of beneficial use and the \$50 license exam fee within 30 days of the date of this mailing.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

RECEIVED
JAN 16 1992

138270
November 30, 1991

MASONS
2070 W. BROADWAY
IDAHO FALLS ID 83402

PROOF DUE NOTICE

RE: PERMIT NO. 35-08828

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

JAN 16 1992

March 7, 1991

JAMES & ELLEN MASON
2070 W BROADWAY
IDAHO FALLS ID 83402

Dear Mr. Mason:

Re: Permit No. 35-8828

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1992. Note that the permit has been reinstated with an advance in priority, since the extension was received after the proof of beneficial use date.

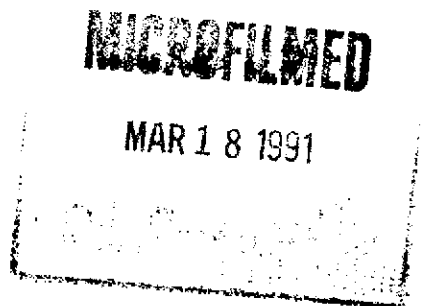
The department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have questions, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures



STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-8828Reviewed by [Signature]Date 3-1-91

BASIC INFORMATION

Y Date stamp received
Y Extension received timely (not too early not too late)
Y Fee received and receipted
Y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

Is delay by a government agency?

Is supporting documentation needed to complete the file? _____

Requested? _____

ACTION TAKEN -

Recommend approval based on due diligence for one year

Y ReinstateDate extension received Feb 11 = _____Proof due date 1 = _____No. of days late _____ = 10Priority date July 18, 89 = + _____ADJUSTED PRIORITY DATE July 28, 89 = _____

DATE ENTRY

[Signature] Change proof due date

Priority date change

Address change

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

February 5, 1991

MASONS
2070 W. BROADWAY
IDAHO FALLS, ID 83402

LAPSE NOTICE

RE: PERMIT NO. 35-08828

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 2-8-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138805
November 30, 1990

MASONS
2070 W. BROADWAY
IDAHO FALLS, ID 83402

PROOF DUE NOTICE

RE: PERMIT NO. 35-08828

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

NOV 30 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 8, 1990

MASONS
2070 W. BROADWAY
IDAHO FALLS, ID 83402

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08828

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

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FEB 14 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

FEB 14 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Mason's

APPLICATION FOR PERMIT ANALYSIS SHEET

35 8828

INITIAL REVIEW BY Dennis Dunn DATE 10-1-1989 APPLICATION NUMBER _____

REQUIRED INFORMATION

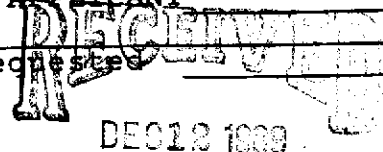
- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____



Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 12-4-89
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 7-18-89
By HWS Date 12-7-89

STATE OFFICE REVIEW P05, P23 P/K 48 49 46

See below for additional information

By KW Date 12-28-89

ADDITIONAL INFORMATION

App. in NON-TRUST area-

13-Nov-1989

Mason's
2070 West Broadway
Idaho Falls, ID 83402

RE: Application for Permit No. 35-8828

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right Permit. This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECORDED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 7, 1989

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 4, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

FEB 14 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

FEB 14 1990

35-08828

MASON'S
2070 WEST BROADWAY
IDAHO FALLS, ID 83402

Source: GROUNDWATER

Diversion Pt: SESESW Sec 14 T 02N R 37E

Use: COMMERCIAL (.040 CFS)

Date Filed: 7/18/1989

In: T02N R37E S14 SESW

MICROFILMED

FEB 14 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 4, 1989.

R. Keith Higginson, Director

Published 11/16/1989 & 11/23/1989

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FEB 14 1990